

REMARKS

Claims 1–10 are presently pending in the application.

Although it is already believed to be clear from the reference to the “periodic supply,” claims 2 and 4 have been amended simply to clarify which of the fragrance compositions is being referred to. With respect to claim 10, although it does not matter which composition is referred to as the “first” fragrance composition and which is referred to as the “second” fragrance composition, claim 10 has been amended so that it is consistent with claims 1-9 in referring to the continuously supplied fragrance composition as the first composition and the periodically supplied composition as the second fragrance composition. These amendments are made solely for the purpose of avoiding any possible confusion and do not in any way affect the scope of the claims. No new matter has been added, and entry of the amendments is respectfully requested.

Applicants are pleased to note the Examiner’s withdrawal of the previous rejections based upon JP 11 000391 of Etsuro and/or U.S. Patent 5,591,409 of Watkins.

The Examiner has now rejected claims 1-10 under 35 U.S.C. § 103(a) as being unpatentable over Watkins in view of any one of U.S. Patents 5,364,027 of Kuhn, 4,084,732 of Dearling or 3,972,473 of Harrison. The Examiner contends that Watkins teaches a method and apparatus for provision of a plurality of fragrance liquids for vaporization, as well as means for heating a fragrance-loaded wick means for effective release of the scent, the fragrance release being perpetuated in a controlled, timed application. The Examiner further contends that all of Kuhn, Dearling and Harrison teach the known and expected method and configuration of supplying both continuous and intermittent fragrance to an area, wherein a spray mechanism releases a burst of fragrance, as well as refreshing a continually vaporizing absorbent loaded with fragrance.

The Examiner acknowledges that the secondary references (Kuhn, Dearling and Harrison) are silent as to the provision of two fragrances. However, the Examiner concludes that it would have been within the purview of one skilled in the art to configure Watkins’ method and apparatus such that both continuous and time-controlled intermittent release of different fragrance vapors is achieved as in Kuhn, Dearling and Harrison. The Examiner’s apparent

reason for motivation of this configuration is that such continuous and time-controlled intermittent release would effectively address varying/cyclic user needs, such as masking the unpleasant odor that may accompany the release of an insecticidal vapor.

This rejection is respectfully but strenuously traversed for the reasons set forth in detail below. Applicants also respectfully object to the rejection as being both incomplete and inaccurate.

First, it is incomplete in that the Examiner has not identified the specific portions of each reference upon which she is relying to make the rejection. Further, the Examiner does not specifically state or adequately explain how one skilled in the art would use each of the secondary references to modify the method and apparatus of Watkins to obtain the method and device of the presently claimed invention.

Second, the rejection is believed to be inaccurate with respect to the Examiner's statement that Watkins teaches "means for heating a fragrance-loaded wick means for effective release of the scent." Applicants can find no reference in Watkins to the use of a fragrance-loaded wick means. In fact, such a wick means is antithetical to the method and apparatus of Watkins, since such a wick means would uncontrollably and unintentionally allow the persistence of one aroma when it is desired to switch to another aroma.

Specifically, as stated at column 2, lines 5-10 of Watkins:

The mechanism typically is constructed with materials which are minimally permeable by aromatic chemicals, thereby reducing the persistence of aroma after its cessation is desired. Suitable such materials include polytetrafluoroethylene and other somewhat similar materials having non-stick surfaces.

Clearly, fragrance-loaded wick means are not minimally permeable and do not reduce the persistence of aroma after its cessation is desired. To the contrary, wick means allow the aromatic chemicals to remain after cessation of aroma is desired. Further, at column 2, line 66 – column 3, line 5, Watkins notes that his invention is an improvement over a prior art patent of Spector, where heating means is used to volatilize chemical laden pads, but does not recognize the tendency of aromas to persist in volatilization, or to permeate surrounding air without

augmentation by heat. In sum, Watkins clearly teaches away from the use of fragrance-loaded wick means.

In the event that the Examiner maintains the present rejection, it is respectfully requested that the rejection be amplified to complete and clarify the above points, so that Applicants can fully understand the Examiner's position and properly respond to the rejection. Nevertheless, Applicants have attempted below to respond to the rejection, as best as it can presently be understood.

Applicants have already extensively discussed the Watkins' reference in the Remarks section of the Amendment filed July 14, 2003, at the middle of page 5 through the top of page 6 and at page 8 of the Remarks. That discussion is incorporated herein by reference.

However, Applicants wish to emphasize again that the central teaching of Watkins is that each different fragrance is to be perceived discreetly and on cue, i.e., in a controlled and timed manner. That is, according to Watkins, the perception of each different fragrance is maximized if each fragrance is detected in isolation from that which has gone before. As an analogy, just as sorbet is served between courses at a gourmet meal to clear the palate, Watkins teaches flushing the chamber with moving air before the next scent is generated (see column 2, lines 13-23 of Watkins). Further, as noted above, Watkins uses materials which are minimally permeable, so as to reduce the persistence of the preceding aroma, so that the perception of the next aroma will be maximized.

These teachings of Watkins are diametrically opposed to the object and teaching of the present invention, which clearly provides a continuous, uninterrupted supply of a first fragrance, whose fragrance is augmented by the periodic supply of a second fragrance. Thus, the problem which the present invention seeks to solve is the prevention of habituation. Habituation occurs where an occupant of a space in which a fragrance is being dispersed quickly becomes accustomed to the fragrance. After a while, the occupant will not perceive the fragrance strength as being as intense. Bearing in mind the nature of this problem, it goes without saying that it is necessary to maintain fragrance intensity without any action on the part of the occupant, i.e., automatically.

Applicants have unexpectedly discovered, according to the present invention, that this problem can be solved by supplying at least two fragrances in combination, at least a first fragrance being supplied continuously, and at least a second fragrance being supplied in periodic bursts. Examples 1 and 2 at pages 6 and 7 of the application clearly illustrate that supplying a first fragrance continuously and a second different fragrance at pulsed intervals results in a constant perception of the first fragrance. This is particularly evident in Example 2, where a comparative experiment was conducted, and the perceived level of the fragrance was lower where no second fragrance was pulsed. These examples evidence unexpected results to which the prior art gave no clue. The surprising findings could not have been predicted from a study of the cited references.

While the Examiner contends that Kuhn, Dearling and Harrison teach the supply of both a continuous and intermittent fragrance to an area by a spray mechanism which releases a burst of fragrance as well as refreshing a continually vaporizing absorbent loaded with the fragrance, the Examiner acknowledges that all of these references are silent as to the provision of two fragrances. In particular, each of the secondary references teaches a fragrance dispensing device having both a sprayer and a wick-like means, so that during periods of time when the sprayer is not activated by the user, the fragrance will still be provided to the space by evaporation from the wick-like means.

However, such a provision of a single fragrance by two different means (sprayer and wick) has no bearing on the problem of nor does it provide a solution to the problem of habituation. As noted above, habituation occurs where the occupant of a space becomes accustomed to the fragrance which is provided to the space, so that the fragrance's strength is not perceived to be as intense. While a burst of the fragrance provided by the spray mechanism of Kuhn, Dearling or Harrison may refresh the same fragrance which is continually present and vaporizing in the loaded absorbent, that burst of fragrance is still the same fragrance to which the occupant has become accustomed.

Moreover, each of the devices of Kuhn, Dearling and Harrison requires manual operation to provide the burst, usually in response to an offensive odor. Therefore, the sprayed burst of fragrance, aside from not being a second fragrance, is also not periodic, i.e., occurring at planned

intervals. Hence, none of Kuhn, Dearling or Harrison is directed to the result or solution of an enhanced, continuous perception of the fragrance. Contrary to the Examiner's contention, Kuhn, Dearling and Harrison do not achieve "time-controlled intermittent release," since actuation of the sprayer is manual, and not automatic or periodic.

The Examiner appears to argue that it would have been obvious to combine Kuhn, Dearling and Harrison with Watkins because continuous and time-controlled intermittent release of different fragrance vapors would effectively address varying/cyclic user needs, such as masking the unpleasant odor that may accompany the release of an insecticidal vapor. However, that is not at all the purpose of Watkins. Watkins teaches away from the continuous supply of any fragrance, advocating instead the separate and discreet supply of aromas to clear the user's olfactory sensors in anticipation of the introduction of the next aroma (column 2, lines 22-23). In contrast, Kuhn, Dearling and Harrison teach the supply of a single fragrance by two separate but continuous means, namely passive emanation and manual activation, as a reaction to a particular circumstance. There is no teaching or suggestion in any of the references of the periodic supply of a second fragrance to complement the perception of the first fragrance.

In sum, it is submitted that the Examiner's combination of references is totally improper because (1) there is no rational motivation to combine any of the secondary references with Watkins, (2) the combination of the references still does not teach all of the elements of the presently claimed invention, particularly a second periodic fragrance together with a first continuous fragrance, and (3) the present invention provides unexpected results which are surprising and not predictable from any of the cited references. Thus, the surprising solution to the problem of habituation (which is not even addressed by any of the cited references) would not have been obvious from the cited references, and the combination is pure hindsight. Even with the benefit of such hindsight, it is not apparent that a periodic supply of a second fragrance would solve the problem of habituation of a first fragrance. Accordingly, the rejection is improper and should be withdrawn.

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In view of the above remarks, it is submitted that all of the claims patentably distinguish over the prior art of record. Accordingly, reconsideration and an early Notice of Allowance are respectfully solicited.

Respectfully submitted,

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